

## **Jennie Morrison**

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**From:** "Tim and Abby Fuller" <fuller@homernet.net>  
**To:** <LBC@dcad.state.ak.us>  
**Sent:** Saturday, June 02, 2001 8:24 PM  
**Subject:** Comments on proposed regulation changes

Local Boundary Commission

Commissioners;

The following are my comments on the proposed regulation changes:

The general gist of these changes, except for section .425, is to discourage public input and add too much leeway into the LBC's decisions. The standards for legislative review annexation totally ignore the basic concept of the consent of the governed. There is nothing in there to even suggest that what the people want be taken into consideration. There is an assumption that government knows best what people's needs are and how to meet them, but it does not. People have a right to make these decisions for themselves. There is also a presumption being made that petitioners are acting in good faith; there are no safeguards for when they are not.

Here's my comments by section (the rest I have no comment on):

ss.035, .065, .135, .195 -- "best interests of the state" -- since when did we become a socialist country? It is the interests of the PEOPLE that matter. Government gets it's power from the people and exists to protect their rights -- not ignore them and trample on them. Furthermore, items 1 and 2 are in direct conflict with each other. I would recommend erring on the side of maximum self-government by letting people chose their local government, no matter how many units result. It is desirable to limit the number of layers of government, but having many small units side by side harms no one.

s.090, #6 -- by this logic Anchorage could annex the entire state! Whatever services a city provides it's residents, unless they build a wall with locked gates and keep everyone else out, some use by outsiders is to be expected. People come into a city from outlying areas because cities provide a commercial hub, it has always been this way and is not a reason to annex. Generally the outlying population around a city provides benefits to the city at least to the same extent as whatever

benefits they receive from the city, both through sales taxes paid and by patronizing local businesses. This one item is looking at only half of the equation and should not be a consideration for annexation.

s.140 -- I don't like these changes at all! This was better the way it was. Legislative Review should be allowed only in rare cases when some major harm will result if annexation does not take place. Anything less does not justify trampling on people's right to vote and chose their own destiny. You need to add some regulations defining when Legislative Review cannot be used -- like a stronger version of the item you propose removing from here, regarding a vote. Here's my specific comments:

#1,2,3 are OK if #2 is narrowly construed.

#4 -- the city must have made serious efforts to deal with the situation prior to trying to annex, ie. annexation as a last resort only.

#5 -- this is too broad, there must be a serious potential problem and no other way to deal with it.

#6 -- there's an inherent conflict here. And it's too vague. No consideration is given to the annexed area having an additional layer of government imposed on them. This one should be left the way it was, strengthened even. It is not self-government unless people have chosen it for themselves.

#7 -- this is not enough by itself to justify forced annexation. It could be a general standard for allowing an annexation to proceed.

#8 -- this is basically an 'anything goes' clause! Absolutely not!

s.150, #4 -- It's fine to let the citizens of an annexing municipality have a vote, they deserve a say too, but it needs to be a separate vote, not a combined one. A combined vote works an injustice against the annexees who are usually a small minority; their voice gets lost and they end up having no say in what happens to them.

s.425 -- This new section is a good idea, I do support this part. I would like to see more teeth in it, there is nothing here to require the municipality to consider people's comments when finalizing their petition. Better yet, the municipality should have to work on their petition until it meets some level of consent before sending it in.

s.480, (a) -- This seems to disallow ad-hoc citizens groups, which will either reduce input or increase the number of respondents, as people may respond individually instead of forming a group. If the petitioner can be an entity or simply a group of voters, certainly the respondents should have the same right. And a question-- will existing respondents be grandfathered in when these take effect?

(cont.) 5 copies is excessive. This will discourage input and may even be a financial burden for some, between copy costs and postage costs. I see no need for it at all, you have staff and copy machines, it's easier for you to make copies than for the average citizen. This and the digital requirement will discourage participation in the process, when you should be encouraging participation. The digital copy should not be required just yet, too many people and maybe even smaller communities simply can't do this yet. When I tried to email my responsive brief last year the staff was unable to open the file. I have no other way to submit a digital copy, as my computer has no disk drive. I suspect you will find this requirement more of a headache than an asset.

s.480, (d) -- Are you doing away with email comments? If you are going to require commenters to provide a copy to the petitioner it would be much easier for them to cc on an email than have to provide a copy. This seems like another attempt to discourage public participation in the process.

s.550, (e) -- The list of witnesses is mixed -- while I can see the value of each side knowing who the other is going to call, it also allows opportunity for intimidation of witnesses by one side or the other. Move cautiously here. If you need this list for planning purposes perhaps it should be sent to you only.

s.560, (c) -- Respondents should not have their due process rights stripped by having their speaking time restricted. I became a respondent believing that I would have the same opportunity to speak that the city would and I object to your trying to take that away!

This is not just about government entities, it's about people and they have a right to be involved in, and vote on, issues that affect them. People have a right to chose how much government they want and they have a right to decide not to be annexed by a nearby city. What harm does it do if an area you think is ready for annexation does not get annexed? If it really needs the services it will likely chose to be annexed eventually, there's no need to cram it down people's throats. Efficiency is not the goal: freedom, liberty, and justice for all is the goal!

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